



HON. SYLVIA O. HINDS-RADIX
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May 31, 2023

BY ECF

Honorable Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Payamps v. City of New York, et al.
22-CV-00563 (AMD) (VMS)

Your Honor:


I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney representing defendants the City of New York ("City"), Mayor Bill de Blasio, Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, Police Officer Daniel Auguste, Police Officer Corey Johnson, and Inspector Jesse Lance (collectively "defendants") in the above-referenced matter. Defendants write in opposition to plaintiff's emergency motion, filed today, requesting that Your Honor order defendants to produce to Plaintiff's attorneys, to review at their office, the entirety of the CCRB and IAB files at issue in this case. (See ECF No. 59).

As Your Honor is aware, pursuant to the Court's May 25, 2023 Order, defendants were "to make the CCRB files available for review by Plaintiff's Counsel without further delay" and inform the Court by May 26, 2023 "a date by which Defendants' counsel will produce a copy of the files to Plaintiff's counsel." Similarly, Your Honor ordered the same with respect to the IAB files at issue.

On May 26, 2023, the undersigned informed the Court, and counsel, that the CCRB and IAB files would be made available for review by Plaintiff's counsel at the office of the Corporation Counsel beginning on Tuesday, May 30, 2023, subject to an "attorneys' eyes only" designation, with production of the same no later than June 9, 2023.

Defendants respectfully request that Plaintiff's motion to compel be denied as Defendants are in compliance with the Court's Order and there is no explanation as to why Plaintiff's counsel insists on reviewing the files, which are for attorney's eyes only, at their office as opposed to the undersigned's, where the documents are located. As I have explained to Plaintiff's counsel, the undersigned is able to provide the documents for review at the Office of the Corporation Counsel, and because these documents have not undergone any redactions yet, there is potentially highly sensitive and/or sealed information regarding non-party civilians and officers included in the documents which should not be removed from this office. To that end, Defendants' counsel intends to be present for the review of such documents. Furthermore, it is unclear why counsel is willing and able to come to the undersigned's office, copy the files, but not review them there.

For these reasons, Defendants respectfully request that Plaintiff's motion to compel be denied and Plaintiff's counsel be required to appear at the undersigned's office to review such files, to the extent they require a review of same.

By: /s/ 
Michael Pesin-Virovets
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cc: **By ECF**
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